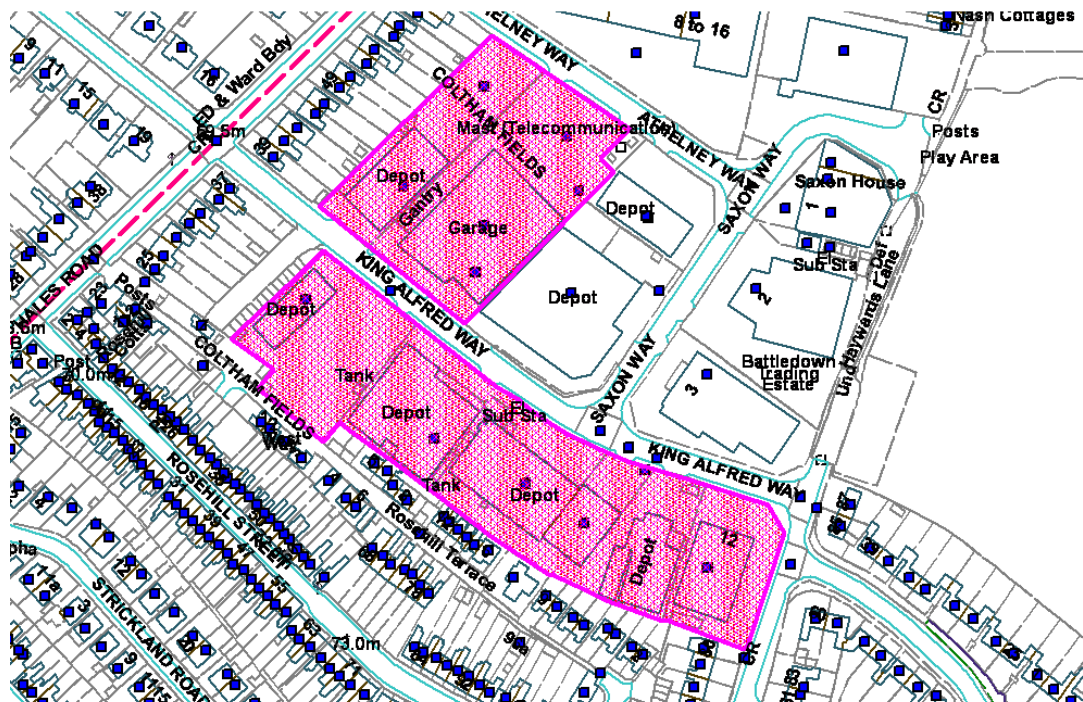


<b>APPLICATION NO:</b> 14/01125/FUL		<b>OFFICER:</b> Mr Craig Hemphill	
<b>DATE REGISTERED:</b> 24th June 2014		<b>DATE OF EXPIRY:</b> 23rd September 2014	
<b>WARD:</b> Battledown		<b>PARISH:</b> None	
<b>APPLICANT:</b>	Bovis Homes Ltd		
<b>AGENT:</b>	Hunter Page Planning Ltd		
<b>LOCATION:</b>	Tim Fry Land Rovers, King Alfred Way, Cheltenham		
<b>PROPOSAL:</b>	Redevelopment of land at King Alfred Way involving the demolition of the existing buildings and the erection of 86 dwellings, access, landscaping and other associated works		

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1. The application site is located within the Battledown Industrial Estate which is surrounded predominantly by residential properties, approximately 1.5 miles to the east of the town centre.
- 1.2. The site currently forms part of the wider industrial estate. The application relates to adjacent areas of the estate, one to the north of King Alfred Way and one to the south. These sites currently provides, to the north approximately 0.65ha of land which accommodates two buildings, one occupied by Tim Fry Land Rovers, with the other unit occupied by Mitie. The southern side of the site comprises approximately 1.07ha of land, 3 units are occupied by Tim Fry Land Rovers with the remaining units being occupied as vehicle storage, metal works, kitchen manufacturing, and Challenge Motor Company. The remaining two units are vacant. The existing buildings would appear to have been constructed around the 1960's and 1970.
- 1.3. Access to the site is obtained via Kind Alfred Way which links to Hails Road to the west. Access to the northern part of the site can also be obtained via Athelney Way which also links to Hails Road.
- 1.4. The application proposes to demolish the existing buildings on the site with a residential redevelopment of the site. The scheme originally proposed a development of 106 units with access landscaping and other associated works. Following the submission of revised plans this has been since been reduced to 86 units. The application proposes 40% affordable housing provision (34 units).
- 1.5. The application sets out that the site is outdated and poorly located and does not accommodate a modern work environment of allow free flowing practices and therefore the Tim Fry Land Rovers, along with some of the sites other businesses has identified three alternative sites to relocate to, two of which are in Kingsditch Lane and one at Swindon Lane which would allow the company to grow. The applicant sets out that financially to allow this relocation to take place the residential development of the application site is essential. A full overview of this can be read in the Planning Statement and the Employment Land Report submitted with the application.
- 1.6. In addition to the Planning Statement and the Employment Land Review the application has also been accompanied by design and access statement, statement of community involvement, flood risk assessment, ecological appraisal, noise report, ground investigation report, arboricultural survey, transport assessment and a marketing survey. Members attention is drawn to these documents which are available to read on line.
- 1.7. Members will visit the site on Planning View with proposed layout plans being displayed at the Planning Committee meeting.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Landfill Sites region  
Landfill Sites boundary  
Made-up ground

### **Relevant Planning History:**

**13/00514/PREAPP 15th April 2013 CLO**

Residential re-development as part of the relocation of Tim Fry Land Rover

**02/00997/GDO 23rd August 2002 REF**

Erection of a 12m high telecommunications monopole mast with 3 no. antennae and 1no. transmission dish installed upon it together with an equipment cabin, all within a fenced compound

**84/00279/AI 27th July 1984 PER**

King Alfred Way / Athelney Way Off Hales Road Cheltenham Gloucestershire - Erection Of Projecting Illuminated Name Signs At Front And Rear Of Premises

**87/00515/PF 25th June 1987 PER**

Bristol Street Motors Cheltenham Gloucestershire - Erection Of Paint Store

**91/00719/AI 22nd August 1991 PER**

Display Of Illuminated Advertisemen  
t

**93/00485/PC 24th June 1993 WDN**

Use Of Forecourt Of Premises For Vehicle Display And Sales

**96/00124/PC 14th November 1996 PER**

Use Of Part Of The T.W.Fry Premises For Storage Of Scaffolding And The Erection Of Racking

(As Amended By Revised Plans Received 14 Nov 1996)

**96/00873/PF 20th February 1997 REF**

Proposed Erection Of Seven Industrial Starter Units

**98/00114/PD 9th April 1998 NPRIOR**

Notification Of Proposed Installation Of Telecommunications Equipment: 15m High Tower, Associated Antennae Plus

Equipment Cabinet. Telecom Securicor Cellular Radio Ltd

**04/01035/FUL 15th July 2004 WDN**

Extension of existing 17.8m lattice tower to 20.4m to accommodate Vodafone antennas. Ancillary cabinets within existing compound

**05/00222/FUL 26th April 2005 REF**

5m extension to existing 15m lattice mast and addition of 6no antennas for vodafone and 2no ground based cabinets

**07/01661/CLPUD 10th December 2007 CERTPU**

Installation of vehicle MOT Testing Station

**08/00382/CLPUD 24th April 2008 CERTPU**

Proposed use B2 - and with first floor offices

**08/00383/CLPUD 6th May 2008 CERTPU**

Proposed use B2

### **3. POLICIES AND GUIDANCE**

Adopted Local Plan Policies

CP 1 Sustainable development

CP 4 Safe and sustainable living

CP 7 Design

CP 8 Provision of necessary infrastructure and facilities

GE 5 Protection and replacement of trees

GE 6 Trees and development

EM 2 Safeguarding of employment land  
HS 1 Housing development  
HS 4 Affordable Housing  
RC 6 Play space in residential development  
UI 3 Sustainable Drainage Systems  
TP 1 Development and highway safety  
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Affordable housing (2004)  
Amenity space (2003)  
Landscaping in new development (2004)  
Planning obligations: transport (2004)  
Play space in residential development (2003)

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### Comments received on the original submission:

#### Contaminated Land Officer

*3rd July 2014*

Standard Contaminated Land Planning Condition

Unless otherwise agreed by the Local Planning Authority, development shall not commence on site until the following condition has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination until section iv) has been complied with in relation to that contamination.

#### i) Site characterisation

A site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report must include;

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to;
  - human health
  - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
  - adjoining land
  - ecological systems
  - groundwaters and surface water
  - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'

#### ii) Submission of a remediation scheme

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be produced and will be subject to the approval of the Local Planning Authority prior to implementation. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

#### iii) Implementation of approved remediation scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the development, other than that required to carry out remediation. Following completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority.

#### iv) Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with section i) and a remediation scheme submitted in accordance with section ii). Following completion of measures identified in the approved remediation scheme, a verification report must be produced in accordance with section iii).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and oth

*3rd July 2014* - due to the current and historical uses of the site the standard contaminated land condition should be added to any permission granted. See attached

*3rd July 2014* - due to the current and historical uses of the site the standard contaminated land condition should be added to any permission granted. See attached

### **Social Housing**

*9th July 2014*

This application proposes a total of 106 residential units. In order to be policy compliant, a minimum of 40% of total dwellings must be affordable dwellings on this site. This equates to 42 affordable housing units. The proposed planning application is offering only 16 affordable housing units, which equates to 15% of the total dwellings. This is not policy compliant and this number of dwellings is not acceptable without independent verification of viability, undertaken at the developer's cost.

The latest SHMA that has been commissioned also requires a mix of 75:25 rented to intermediate housing.

#### Viability

If it is independently verified that it is not viable to deliver affordable housing to a level that is policy compliant, then there are a number of options the council will consider. These are as follows:

- Altering the unit mix or tenure split to facilitate a more viable scheme, while still addressing the housing needs of the Borough.

- Supporting the injection of public subsidy to achieve the full affordable housing requirement. This could enable the overall scheme to become viable via, for instance, a bid to the Homes & Communities Agency. Any s.106 agreement would therefore need to include a provision to facilitate this.
- Altering the % affordable housing sought on the site to reflect the viable position.

In these cases an overage clause would be included within the s.106 agreement to capture any market improvement value between the time of the viability validation and before completion of the site. The overage clause will seek to secure payments which would provide the equivalent on site affordable housing value via a commuted sum provision, should market conditions improve and the viability of the scheme allow such payment. Any payment would be subject to the ceiling of the equivalent cost to the developer of providing a policy compliant affordable housing contribution.

The s.106 agreement will also include triggers for repeat viability appraisals, if the development hasn't started and completed with reasonable timeframes from when planning permission was given.

We would also expect the value of the affordable housing (as assessed within any viability appraisal) to be detailed within an s.106 agreement and used as the basis for determining what would be a reasonable offer from a Registered Provider.

#### Dwelling Mix/Tenure

There is a demand for one bedroom dwellings for persons seeking to downsize due to the under occupation charge that has been imposed from April 2013. In view of this we have proposed a mix that includes 1 bed dwellings

The majority of affordable homes provided in Cheltenham Town Centre in recent years comprise of smaller 1 and 2 bedroom flats. With regard to site specific recommendations the development of this site located outside the main town centre area is an opportunity for the delivery of a greater proportion of larger family sized accommodation whilst including a broad mix of property types and sizes on site. In view of this 4 bedroom houses have also been included in the mix.

The 75:25 split between social rent and intermediate rent is required on this site for the affordable housing provision. The intermediate Housing should be shared ownership and we have proposed a fairly even split between 2 and 3 bed houses to reflect the needs of a broader range of family sizes and would help create a more balanced community.

With regard to 2 bedroom dwellings, our preference is 2 bed houses therefore we would not support the proposal of 10 2 bed flats contained in one block. We would expect the affordable housing to be "pepper-potted" in small clusters throughout the development and indistinguishable from other market dwellings.

#### Rents

It should be noted that any 4 bedroom affordable housing should be set at social rent levels to take account of the impact of the Benefit Cap, which would render 4 bedroom accommodation unaffordable for households on a low income, if set at an Affordable Rent of 80% of market rents.

#### Service Charges

Any service charges on the affordable dwellings should be eligible for Housing Benefit.

#### Shared Ownership

We would expect that the shared ownership units will be let at a level that is affordable in accordance with the Council's SPG and having regard to local incomes and house prices.

### Affordable Housing Standards

We would expect all the affordable housing to meet minimum internal floor area size measurements, design and quality standards as described by the Homes and Communities Agency.

All the affordable homes should meet the Code for Sustainable Homes Level 3 or 4 (4 preferred) or equivalent measure.

In the case of affordable housing all ground-floor properties should be designed to meet current Lifetime Homes Standards.

### Registered Providers

All affordable housing should be provided by a Registered Provider who will be expected to enter into a nominations agreement with the Local Authority, providing 100% nominations on first letting/sale and 75% of all subsequent lettings thereafter. This will assist the Local Authority in meeting its statutory housing duties under the Housing and Homelessness legislation.

A list of Register Providers managing accommodation in Cheltenham can be made available if needed.

## **Environmental Health**

*28th July 2014*

I have reviewed the application for this site and offer the following comments:

I have no objection in principal to the re-development of the site for residential purposes, but would recommend the following conditions are applied to any permission for development:

### Control of noise, dust and other nuisances during construction works

Recommended Condition:

Before any works of demolition or construction begin on site, a plan for the control of noise, dust and other nuisances arising from such work must be submitted to and approved by the Local Planning Authority.

Reason:

To prevent loss of amenity affecting nearby residents due to noise, dust and other nuisances arising from construction and demolition work.

Informative:

The recommended hours of work for a site such as this are 7:30AM - 6:00PM Monday - Friday and 8:00AM - 1:00PM on Saturdays. Work producing noise audible at the site boundary will not normally be permitted on Sundays or Bank Holidays. In the event of work being necessary outside these hours the site operator should seek approval under section 60 of the Control of Pollution Act 1974 from the Council's Public Protection Team. Bonfires will not be permitted on site at any time. Any crushers in use must be suitably permitted as required by The Environmental Permitting (England and Wales) Regs 2010, and operated in accordance with that permit.

### Details of windows.

The "Noise exposure assessment" provided by the applicant indicates that mitigation measures will be required for glazing to some rooms, as discussed in the plan. I would therefore recommend the following:

Condition:

Details of glazing and ventilation to all residential properties shall be provided for approval by the Local Planning Authority before works of construction commence on site.

Reason:

To ensure that suitable glazing is provided to mitigate against the effects of noise identified by the "Noise exposure assessment" provided with the application.

*11th July 2014* - The "Noise Exposure Assessment" provided identifies that the principal of residential development at this site is suitable, provided suitable mitigation measures are included. I would therefore recommend that if permission is granted a condition is attached to ensure that the glazing identified in section 5.2 of this report is included in the constructed properties.

A site of this scale has potential to affect nearby premises due to the emission of noise and dust during the demolition and construction process. I must therefore request that if permission is granted a condition is attached on the following lines:

Condition:

Before works of demolition or construction commence on site, a plan for the control of noise dust and other nuisances must be provided for and approved by the Local Planning Authority.

Reason:

To control the impact of nuisance from building works on nearby properties.

**GCC Highways Planning Liaison Officer**

*7th July 2014*

I have not assessed the development in any great detail, however in order to help expedite the application I have had a quick look through to determine if any additional fundamental information is required. My initial assessment has identified that the following information is required:

- i. Stage F/1 RSA, designers response and exception report to consider the points of access and the layout of each part of the site.
- ii. An NMU context report and NMU audit report.
- iii. Vehicle swept paths of the site access and turning heads. For cul de sacs longer than 20m a turning area should be provided to cater for vehicles that will regularly need to enter the site.
- iv. All carriageway and footway widths to be annotated on plan.
- v. Details of junction and forward visibility from each point of access to be shown on plan, including private drives and individual plots.
- vi. Visitor parking should be provided at one space per five plots, this does not appear to be the case, if visitor parking is proposed on street, indicative locations should be identified.
- vii. It is not clear what the dashed line on the carriageway adjacent to plots 55 and 56 denotes, can this be explained?

It is likely that I will request additional information once I reviewed the TA and TP.



## **Environment Agency**

*14th August 2014*

We've received the consultation for this application but the checklist with it wasn't filled in. I've had a look at it and I don't believe it features within our checklist for consultation as the site is in Flood Zone 1, not near a watercourse and below 2ha (so would not be something we'd make bespoke comment on regarding land contamination).

As such we have no comments to make, but would refer to you our standard advice on flood risk for developments in flood zone 1 and our general developer guidance note for general environmental matters.

## **Tree Officer**

*24th July 2014*

The Tree Section objects to this application as the majority of mature trees within the site are to be removed. More thought should have been given to the retention of these trees as they offer much needed greenery in a relatively tree-less area. Taking all of this into consideration the Tree Section has served a Tree Preservation Order (TPO) to protect the following; 2 x Plane trees, 2 x Birch trees (all along the King Alfred Way boundary) and 1 x Lime tree (on the boundary with 2 Coltham Close).

The reason for the TPO is:

These trees have a high amenity value and contribute significantly to this relatively tree-less area and as such are an important feature in within this location. A planning application has been received within the curtilage of the site and this council wishes to ensure the safe retention of these trees during any demolition works and construction process, should planning be permitted.

The following points also require further consideration/clarification:

- i. The trees within the gardens of properties on Hales Road require root protection areas within the proposed site, to prevent any compaction during the demolition and construction phase.
- ii. The location of the Lime (T1 on the Tree Report/T5 on the TPO) requires amendment on some of the plans. This tree is currently within the development site, yet on Drawing Number 2\_101 Planning Layout (for example), the tree is marked on the boundary. To avoid future ownership issues/disputes this tree should be marked correctly on all plans submitted.
- iii. The proposed landscaping, in respect of trees, is insufficient for this area. Careful thought needs to be given in respect of overall height, ease of establishment and growth rate, so they will contribute to the green infrastructure of this area in the short and longer term. For example, Magnolias are very slow growing and therefore will take a long time to add significantly to greening up this area, as well as the one species selected is ultimately a small-sized tree. The Tree Section accepts that larger, long lived species are not suitable for small gardens, however, space should be created where trees like this can be accommodated into the design.

As the TPO is now in place to protect existing trees on site, the following information is required:

- i. Tree Constraints Plan overlaid onto the proposed development
- ii. Tree Protection Plan
- iii. Arb Method Statement to include: proposed fencing; details of no-dig construction where hard surfaces are proposed near to the protected trees; location of site huts; storage of materials; any access facilitation pruning and any other information required to enable safe retention of the protected trees and trees adjacent to the development.

iv. All of the above to BS 5837:2012

**Land Drainage Officer**

*24th July 2014*

In terms of surface water runoff, the proposed development significantly reduces the impermeable areas from that which currently exist, and as such can be considered a betterment. The submitted Flood Risk Assessment and Drainage Strategy states that the site is considered unsuitable for soakaway drainage and consequently, an attenuation based strategy has been proposed. Notwithstanding, the findings of the Geotechnical Desk Study, in that approximately one third of the site (north of King Alfred Way) may have a low infiltration potential due to outcrops of cohesive soils and the existence of an old landfill site; the remaining two thirds of the site may be suited to the disposal of surface water via soakaways. This is confirmed by the geotechnical report. I therefore recommend that this be further investigated, and if appropriate, a SuDS scheme be designed in accordance with current best practice and at least up to the draft national standards. Within site constraints, the developer should be looking to achieve as many SuDS benefits as possible.

**Parish Council**

*29th July 2014*

Although this application does not fall in our parish, it is adjacent and of such scale that we considered it necessary to pass comment. Our main concern is with the potential impact on traffic flow through our parish.

The impact of additional housing, some with direct access onto Haywards Road would inevitably lead to greater use of the traffic light junction at Haywards Road/London Road. This junction already has significant problems with congestion particularly at peak hours, due to turning movement problems including infringement of turning ban and general road layout alignment difficulties. Further significant development would inevitably worsen the situation,. The opportunity should be taken to seek a solution to this important junction and the developer should be required to contribute to such measures.

With 106 additional houses nearby there's likely to be in the region of 200 cars moving around King Alfred Way on a daily basis, entering the development either from Haywards Road/Ewens Farm or from Hales Road. This strikes us as a considerable increase in traffic flow, with all that entails for congestion in the area. However to get a proper assessment a thorough and realistic traffic survey needs to be carried out, together with analysis of the impact of traffic movements. The comments from Gloucestershire Highways indicate that there are a number of question marks over parking, layout etc.

On-street parking is already difficult in the two areas of our parish mentioned above and with so little parking planned for each new house, it's likely that the current situation would be exacerbated by overspill from the new development. With parking on both sides of Haywards Road already, there is little room for passing traffic or any additional on-street parking.

Whereas we welcome the addition of housing particularly in this part of town and measures to redevelop the more run down elements of the estate, we are concerned that no proposals have been included to cater for business and employment needs in an area of town that has few opportunities for sustainable businesses to thrive. Part of the site could be beneficially reserved for business use and better integrated to the warehousing that is to remain; with part of the site given over to new business starter units or new facilities to cater for the potentially displaced viable businesses.

We support the comments made by Social Housing and would wish to see a better mix of housing, with a greater percentage of affordable housing ie 40%, which is planning policy. Finally, a development of this size needs to be considered in the context of the JCS.

**Cheltenham Civic Society**

*21st August 2014*

We are concerned about the loss of employment land in Cheltenham that this represents. As a housing scheme it is decidedly mediocre.

**Gloucestershire Centre For Environmental Records**

*9th July 2014*

Report available to view on line.

**Comments received following the submission of revised plans:**

**Strategic Land Use Team**

*19th February 2015*

Planning law requires that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The saved policies of the Cheltenham Borough Local Plan Second Review (2006) comprise the adopted Development Plan.

Material considerations relevant to the application are:

- The emerging JCS and its evidence base;
- The National Planning Policy Framework (NPPF) and national Planning Policy Guidance (nPPG)

The proposal is for the demolition of the existing buildings and the erection of 106 dwellings.

The NPPF states that the presumption in favour of sustainable development should be a golden thread running through both plan making and decision taking (paragraph 14). This presumption in favour of sustainable development places the development plan as the starting point for decision making. (paragraph12).

The NPPF aims to ensure that significant weight is placed on the need to "support economic growth through the planning system" (paragraph 19).

With reference to paragraph 215 of the NPPF, Planning Authorities should give due weight to relevant policies of the development plan according to their degree of consistency with the NPPF.

Policy EM2 of the Local Plan seeks to retain land that is currently or was last in use for employment purposes unless one of the listed exception tests are met.

Policy EM2 of the Local Plan states, in part, that:-

*A change of use of land and buildings in existing employment use, or if unoccupied to a use outside Use Classes B1, B2 or B8 inclusive will not be permitted, except where:  
(b) the retention of the site for employment purposes has been fully explored without success*

(note 1); or

(d) development of the site for appropriate uses other than B1, B2 or B8 and criteria (c) will facilitate the relocation of an existing firm to a more suitable site within the Borough (note 3); or

Mixed use development will be permitted on employment land provided:

(f) any loss of existing floorspace would be offset by a gain in the quality of provision through modernisation of the existing site. This should secure or create employment opportunities important to Cheltenham's local economy, and

(g) the loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites; and

(h) the use is appropriate to the location and adds value to the local community and area.

Note 1 Evidence will be required to demonstrate demand; this may include details of past advertising, vacancy levels, and rent levels. This list is not exhaustive and further information may be requested.

Note 2 Sui generis uses which may require an employment site location include; Car sales, builder's yard; vehicle or tool hire business. This list is not exhaustive and other uses may be relevant.

Note 3 Evidence will be required to demonstrate why the existing site is unsuitable for the current use, why the alternative site is more suitable and why other uses are considered necessary in order to facilitate the relocation of the current user elsewhere within the Borough.

A change of use under criterion (d) will be subject to a Section 106 agreement.

The Council considers that policy EM2 is in general conformity with NPPF policy on 'Building a strong, competitive economy'. It is not a policy for the supply of housing and is intended to protect delivery of the Borough's employment needs, which is part of the 'economic role', the first of the three dimensions of sustainability required by paragraph 7 of the NPPF.

The Cheltenham Borough Council Employment Land Review (ELR) 2007 ([http://www.cheltenham.gov.uk/info/1004/planning\\_policy/378/evidence\\_base/3](http://www.cheltenham.gov.uk/info/1004/planning_policy/378/evidence_base/3)) is an evidence base document which was prepared by Nathaniel Lichfield and Partners on behalf of Cheltenham Borough Council. The document is being used to inform the production of employment policies within the forthcoming Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

The document undertakes a qualitative assessment of existing employment sites in terms of their suitability for employment use and gives an indication of the overall ranking of sites in terms of their location, sustainable development, environment and marketability factors. The ELR ranks the Battledown industrial estate as of Good Quality (main report pg. 61) this is defined in the study as: 'benefiting from buildings and public realms of a good or reasonable quality, with small levels of noise, smell and dirt. The sites included in this section provide a mixture of office accommodation and industrial uses.'

Specifically, the report describes the site (ELR appendices paragraph 1.56 pg. 30) as 'having poor strategic and local road access, due to its location in the eastern outskirts of the town. It is occupied by a number of industrial businesses, housed in a range of average quality warehouses and brick buildings. The state of the public realm, levels of noise and dirt and the parking and servicing provision are all of an average standard. There is little space to expand the existing buildings, but the site is serviced well by public transport.'

The ELR concludes that (pg.71): - Overall, a very high proportion of Cheltenham's existing employment land supply is of at least reasonable quality and should be retained. Even lower quality sites appear to meet local needs of low cost employment space, suggesting they should not be released for other uses. Chapter 4 identified that Cheltenham has a qualitative shortage of employment space, and on that basis, it is essential for the

maintenance of the Borough's economy that all existing employment land should continue to be used for that purpose.

This view concurs with that of the Local Plan Inspector, reporting in March 2005 who concluded that he was in 'no doubt that the plan does not provide enough employment land'. This shortfall in employment land within the town has been exacerbated by an historic loss of existing sites to other uses.

Whilst we are currently in the process of updating this evidence on a Borough wide basis through the Cheltenham Plan evidence base, there is currently no comprehensive assessment evidence of the Borough's employment sites which would alter the view set out in the 2007 report.

Similarly the emerging Joint Core Strategy pre-submission document (available at [www.gct-jcs.org](http://www.gct-jcs.org)) pg.41 in the explanation text for policy SD2 states:

*"because of the constrained supply of employment land in the urban areas, the JCS authorities will wish to evaluate the implications of changes of use. As such, policies on the safeguarding of employment sites will be set out in district plans."*

Because this work has not yet taken place there is no evidence on which to base taking a contrary view to the judgement of the 2007 Employment Land Review and 2005 Local Plan inspector.

Therefore the tests set out in Cheltenham Local Plan policy EM2 are relevant and should be engaged in the consideration of this application.

Criterion (b) of EM2 requires that 'the retention of the site for employment purposes has been fully explored' After considering the applicants own ELR and other supporting Planning Application documents it is clear that the Tim Fry Land Rovers business continues to occupy the site productively - despite, as they state, it being a poor match for their current expanding business.

This fact, and the fact that the applicants state that both Challenge Motor Company came to occupy unit 3 in 2008 for workshop and sales use and a Kitchen Workshop came to occupy unit 5 in 2009 militates against the view that units on the site cannot be retained for employment purposes.

The lack of a demonstration of ongoing marketing of the principal units included in this application fails to demonstrate that the retention of the site for employment uses has been fully explored.

This lack of robust evidence of the sites unsuitability for its current use (perhaps by a smaller or start up company in the B class uses) reinforced by the examples of fairly recent uptake of some of its units, the lack of marketing evidence and because the Cheltenham ELR rates the industrial estates' buildings as "average quality" in Cheltenham, also means that criterion (d) has not been met in the view of the view of the Planning Policy team, because of the requirement in note 3 to "demonstrate why the existing site is unsuitable for the current use".

It is our view that this is a busy and fairly well occupied industrial estate and the buildings are not of particularly poor quality in relation to others across the Borough.

In considering the argument that the proposal represents mixed use development because of the retention of some of the existing industrial units, it is the view of the Planning Policy team that the proposal fails to meet criterion (g) of policy EM2, namely:

the loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites

The loss of such a substantial proportion of the industrial estate and the loss of visibility and awareness of the retained units by prospective customers would clearly be detrimental to the continuing operation of these businesses.

As regards NPPF 51:

*'51. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.'*

The application does not amount to a change of use because most of the buildings as part of the application are not suitable for residential use.

The Cheltenham 2007 ELR and local plan evidence on previous pages demonstrates why there are strong economic reasons such development would be inappropriate. These are that we need to retain current employment floor space even of average quality.

This reason also indicates that the relocation plan erodes our overall employment strategy because there is no clear benefit to the town employment land position through this relocation.

The new premises that TFLR wish to relocate to are already in employment use, the changes they suggest for them are improvements, but not such radical improvements as to offset the loss of the current site, given that the new premises are already suitable for use.

It is the view of the Planning Policy team that approval of the application creates an unacceptable risk of sterilising a working industrial estate and could impact smaller businesses/ start-ups from using the units which TFLR have successfully used to grow (and outgrow) while creating a successful business.

### Marketing Strategy

From a planning policy perspective the information is barely sufficient to cover EM2 for the units covered by the marketing, but doesn't change our wider point that this is insufficient to justify the harm to the area as a whole. The heart of our view is that evidence is required to show that the site as a whole cannot be retained for employment purposes, because the development of the scheme would damage the viability of the remaining employment uses which would be contrary to the economic dimension of sustainable development.

### **Urban Design**

*10th March 2015*

The NPPF is seeking delivery of well-designed places which are pleasant to live in; which work well strategically; and are sustainable.

There have extensive discussion on the design of this proposal over a number of months and there have been significant improvements in terms of layout, landscape and built form. The housing layout is now well designed and where it does not abut retained employment uses it should work well. However, where there is a direct relationship with retained employment uses, there are concerns about the ability of the proposal to provide a decent place to live.

Furthermore, by retaining a mix of uses, including employment uses, distributed throughout the town, there is an opportunity to create the conditions for sustainable patterns of urban development. The site currently lacks aesthetic quality, but does perform an important function as a local employment area, and clearly there are opportunities for improvements. The loss of all or part of it would negatively impact on the delivery of a sustainable pattern of development.

### Context

The site currently forms about half of an existing employment area, with no aesthetic appeal. The employment area is on land rising to the east, surrounded by residential estates, with a large open green space to the east. The King Alfred Way employment area is at a junction between an residential estates of differing eras and character - including a spacious Regency villa estate in streets heavy with tree planting to the west; tighter grained streets (frequently Victorian) with little street planting or front gardens to the south; and mid-20th century Council housing set in generous gardens broken by incidental green space to the east.

### Issues

The NPPF has established a strong basis for sustainable development which involves "...seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including...

- Achieving net gains for nature;
- Replacing poor design with better design;
- Improving the conditions in which people live;
- Widening the choice of high quality homes." (para 9)

Paragraph 56 states that the Government attaches "great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Elsewhere, NPPF requires developments to function well, create a sense of place, respond to local character, be safe and be visually attractive. Specifically in para 61 it states that high quality design goes beyond visual appearance and aesthetics and that planning decisions should address - 'connections between people and places and the integration of new development into the natural, built and historic environment'.

In terms of designing and building places to live these statements mean that the planning system should be creating places which are pleasant to live in and which make a positive contribution to the quality of the local built and natural environment; and that that good design is not only about what proposals look like, but about how towns and neighbourhoods function.

### Analysis

The main urban design issues are:

- i. will the proposal create a decent place to live; and
  - ii. in strategic 'town planning' terms, is it acceptable alter the mix of uses in this part of town by losing employment land.
- i. A decent place to live  
The site is currently an industrial estate, with little aesthetic quality. The proposal is to retain approximately half of the estate and develop the housing on the other; these two uses will effectively form two interlocking 'L'- shapes. The effect is that the residential development has a number of faces to the retained industrial uses. As a starting point, this gives the designer a challenge if a successful place to live is to be created.

This proposal has been through a number of iterations, from pre-application through to the current scheme. Early proposals were heavily criticised on a number of fronts, including layout (frequently cramped, poor relationships between spaces, buildings and streets); over-development; building design (external appearance and impact on passive street surveillance); car parking arrangements; relationship to context; and paucity of landscape. Overall the scheme was poorly thought out.

The current proposal is much more successful in all these elements. The reduction in numbers and a more thoughtful approach to context, layout, landscape, parking, built-form, massing and the internal arrangement of rooms, together address the majority of concerns raised early in the process. Much of the proposal works well and even close to the retained employment, on the main streets, the proposal is a well designed aesthetic improvement.

However, where elements face directly onto or abut the retained industrial areas, there remain serious concerns about the proposal as place to live. The retained employment buildings will dominate views from many of these houses; and the space at the rear of units 15 to 23 where existing buildings are uphill of the proposal will be very unpleasant. There is little, if anything, that can be done to satisfactorily resolve any of these issues.

ii. Mixed use neighbourhoods

To function successfully town's need a mix of well related uses - places to live, work, relax, shop etc. By mixing uses, whilst addressing amenity concerns, there are opportunities for people to link trips; to reduce travel distances; and to make sustainable travel choices. Local employment opportunities distributed throughout the town can provide jobs for its population in a sustainable manner and support more strategic allocations.

This employment area is well established and although it has little to offer aesthetically and is in parts underused, it is one of the few employment opportunities of this type locally, and has potential for improvement. Loss of all or part of it seems unlikely to be replaced nearby and will not contribute to the potential for creating a well-designed sustainable town.

**GCC Highways Planning Liaison Officer**

*6th March 2015*

This response is made on the basis of the amended information received:

- 4217-205-Visibility
- 4217-206-Car and Refuse tracking
- 4217-207-Car tracking
- 14111-L-001-H Site Layout
- Travel Plan issue 5 February 2015
- Designer's response to Road Safety Audit

The recommendation of the Highway Authority to Cheltenham Borough Council for the proposed development of up to 86 dwellings accessed via King Alfred Way, Cheltenham is based on the National Planning Policy Framework, the saved policies within the Cheltenham Borough Local Plan and any other material planning considerations. I am aware and have considered the letters of representation.

Proposed Development

The proposed development is for 86 dwellings, which is accessed via King Alfred on a site currently accommodating a mix of B2/B8 employment and sui generis uses. The development forms a number of short cul-de-sacs to the north and south of King Alfred Way.



### Existing Transport Network

King Alfred Way is subject to a 30mph speed limit, footways are present on both sides of the carriageway, whilst the carriageway is between 7-7.5m in width. To the north west King Alfred Way forms a priority junction with Hales Road, to the south east the road becomes Haywards Road. King Alfred Way currently has high level of on street and on footway parking occurring from the existing employment uses. Existing traffic flows in the AM peak hour on King Alfred Way are 209 vehicles and 232 vehicles in the PM peak. Hales Road currently carries 900 vehicles in the AM peak and 955 vehicles in the PM peak.

### Planning Context

This application has been considered in the light of the National Planning Policy Framework (The Framework) and the policies contained therein, together with the saved policies in the Local Plan where they are consistent with the Framework. The site also has to be considered against the existing use at the site and the traffic movements which could be generated from the extant use.

### Access Points

The site can be described as an 'L' shape parcel, with one development parcel accessed from King Alfred Way to the north and five separate development parcels to the south. In total there are six points of vehicular access to serve the development. A revised plan has been submitted, 4217/205A, demonstrating that 43m junction visibility is available from each point of access, however no speed survey has been submitted to demonstrate that vehicles travelling along this road are travelling at 30mph, therefore a condition to secure 49m visibility splays will be recommended, GCC surveys undertaken on 30mph speed limit roads indicate that there is an 85th%ile speed of 34mph, therefore using the MfS2 formula this equates to splays of 49m.

It is considered reasonable that a 25m splay is applied to Haywards Road, given the geometry of the highway and the existing 20mph speed limit. A condition will be recommended for a pedestrian/cycle link to be provided to Coltham Fields, together with a condition to agree details of bollard specification for the pedestrian link to Athelney Way. As no details of onsite tactile pavings and dropped kerbs have been demonstrated on plan and as there is no certainty that a sc38 agreement will be entered into, a condition for these works will be recommended.

### Assessment of Public Transport, Walking and Cycling Infrastructure

The site is considered to be located in close proximity to a range of amenities and facilities, such as the primary school, secondary school, employment, supermarket, doctors, dentist and bus stops. The majority of facilities are within walking distance, whilst the railway station is within a comfortable cycling distance. Local bus services P and Q currently stop along King Alfred Way, the more regular B service stops on London Road.

A non motorised user context report has been submitted, with the objectives for NMU's to have a safe and suitable access to facilities. The report has also assessed the walking routes from the site to the nearest facilities and has identified a number of offsite improvements, which will be secured by planning condition. These works will include dropped kerbs and tactile paving works at the following locations;

Hales Road/King Alfred Way, Hales Road/Athelney Way, London Road/Keynsham Bank and London Road/Sydenham Villas Road. It is also considered that a dropped kerb and tactile paving across Hales

Road to provide access to London Road and Sydenham Road South.

In order to ensure that the opportunities for sustainable transport modes have been taken up, a condition will be recommended to upgrade the existing bus stops on King Alfred Way and London Road to provide real time passenger information.

### Transport Impact

The trip generation of the development has been estimated using the trip rate information computer system (TRICS), which is a national database which holds actual survey data of residential estates, the trip generation, is consistent with sites of similar sizes and characteristics in Gloucestershire. The impact of the development on the local highway network must be considered against the extant use of the site, this being B2 and B8 industrial uses together with some sui generis uses, an assessment of existing trip rates have therefore been undertaken based on an industrial estate. It can be considered that, based on the derived TRICS data, the existing industrial development could generate 74 two-way vehicle trips during the AM Peak, 62 trips during the PM peak, and some 693 two-way trips between 0700 and 1900.

The proposed residential development is predicted to generate 47 two-way vehicular trips in the AM peak period and 51 two-way vehicular trips in the PM peak period. With regard to 'person' trips, some 88 two-way trips are predicted during the AM peak, 82 two-way trips during the PM peak, and 733 two-way trips between 0700 and 1900. It can therefore be seen that the proposed residential development will facilitate a reduction in vehicular trips when compared with the existing industrial development. A reduction of 27 vehicular trips is predicted during the AM peak hour, a reduction of 11 vehicular trips during the PM peak hour and a reduction of 147 trips between 0700 and 1900. The impact of the development on the local highway network cannot therefore be considered to be severe in the context of NPPF.

### Safety Implications

Personal injury collision data for the past 5 years has been collected and analysed, the data does not demonstrate that there is an existing highway safety issue within the study area. One collision was recorded on Saxon Way and one at the junction of Hales Road and Athelney Way, other collisions within the study area were remote from the development and do not follow any particular trends. It is not considered that this development will increase the risk of collisions, given that there will be an overall reduction in trips when compared against the extant use.

### Layout

The layout comprises 6 cul-de-sacs, tracking demonstrates that a refuse vehicle can safely access and turn in the northern estate road, whilst bin storage points are provided in the remaining access roads to ensure that a refuse vehicle does not have to enter those roads. The southern roads have been tracked using a box van and this can adequately access the site and turn. Vehicle tracking has been submitted to demonstrate that two estate cars can pass each other at the junctions of the new estate roads and King Alfred Way. All of the estate roads are shared surface in nature and are at least 6.8m wide, it has been confirmed that the dotted lines on the plan are not kerbs, but simply imply a pedestrian corridor.

The width of shared surface areas is generally greater than 6.8m and will therefore accommodate on street visitor parking. Junction visibility of 43m is shown on plan, however it is considered that as no speed survey has been submitted that these splays are required to be 49m, an appropriately worded condition will be recommended to secure these splays. A pedestrian link to Athelney Way is proposed, whilst a condition will be recommended for a pedestrian link to Coltham Fields.

GCC has raised concerns regarding the location of some parking spaces which are necessary to serve dwellings fronting King Alfred Way. Much of this parking provision is remote from the dwellings and provided to the rear of the dwellings, therefore it is considered likely that parking will take place on King Alfred Way, as residents will choose to park close to their front entrance. It has been confirmed by the LPA that these rear parking areas are required, as for other planning related reasons, driveways cannot be provided along the frontage of King Alfred Way. GCC does not consider that this constitutes good

design, but accepts that the planning balance needs to be considered and that vehicles parking along King Alfred Way is not in itself a reason to object to the application, especially given the current use of the site and the existing parking issues. The amount of parking provided is consistent with average car ownership levels as set out in 2011 census data, more than two parking spaces are generally provided for each dwelling.

### Travel Plan

The objectives of the Residential Travel Plan are to:

- Establish a management regime for the Residential Travel Plan;
- Reduce the percentage of single occupancy car journeys to and from the development;
- Maximise the potential for pedestrian and cyclist trips to and from the development;
- Actively promote the Residential Travel Plan and sustainable travel options; and
- Monitor the progress and effectiveness of the Residential Travel Plan measures.

The targets of the Travel Plan are as follows:

#### Target 1

The first target is to reduce the number of vehicle trips generated by the development over a 12-hour period (weekday) by 10% and achieve a corresponding increase in trips by more sustainable travel modes. The baseline vehicle trips will be based on the number of trips predicted from the TRICS analysis provided within the accompanying Transport Assessment.

#### Target 2

The second target is to reduce the number of peak hour vehicular trips generated by the residential development by 10% and achieve a corresponding increase in trips by more sustainable travel modes.

#### Interim Targets

In order to monitor progress towards the meeting of the above targets the following interim targets are proposed:

- Year 1 – 3% reduction in car trips
- Year 3 – 6% reduction in car trips

The targets are easily measurable through the use of the annual household travel survey and ATC surveys, and are considered to be attainable within 5 years of the first travel survey; therefore the targets meet the criteria of being SMART. The actual vehicle trip generation will be established by travel surveys 3 months after 50% occupation of the development. Traffic and resident travel surveys will be undertaken annually thereafter, during the same week each year, in order to monitor the progress towards meeting the specified targets. Refer to further detail within Section 7.0 of this Travel Plan.

There are a number of measures to achieve the targets set out above, these are to encourage car sharing, promote walking, cycling and the use of public transport, and a provide a travel information pack with site specific information relating to all of the above, together with free taster tickets and discounts on bikes.

The developer has chosen option 2 as the mechanism for implementing the travel plan, therefore the developer will pay a contribution of £45,960, GCC will therefore implement and monitor the approved travel plan.

#### Construction Traffic

Concerns have been raised regarding the construction phase of the development, should planning permission be granted, construction traffic and the impacts of this are an inevitable

consequence of engineering works and cannot be avoided, however the submission of a construction method statement, together with any potential planning conditions which the LPA may deem necessary in terms of works restrictions will mitigate the impact. Largely, the planning system does not consider the impact of the construction phase of a development, except for to ensure that authorities look to mitigate the impact as far as possible.

### RSA

A stage 1 road safety audit, which identified a number of issues with the layout, however these issues are generally down to poor design, such as a plethora of garage parking, poorly related parking and spaces which are difficult to access, however none of these issues would constitute a reason for refusal, given the design constraints on the site previously discussed. The designer's response is not considered acceptable, as it simply states that all issues will be dealt with at detailed stage, however there is no indication that a sc38 agreement will be entered into by the developer.

Some of the issues raised can be dealt with by condition, such as bollards on pedestrian links, tactile paving and dropped kerbs, whilst some of the issues have been resolved through an amended design. As the recommendations of the auditor have not been accepted at this stage and resolved on the amended plan, an exception report should have been submitted, however this is not the case. Overall, despite the issues raised in the audit, these are generally considered of a minor nature and will simply result in a poorly designed scheme, rather than any fundamental safety issues.

### Conclusion

The National Planning Policy Framework states at paragraph 32 that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The Highway Authority considers that this development will not have a severe impact on the local highway network. The NPPF states that "safe and suitable access to the site can be achieved for all people", and that "opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure." It is considered that the development proposals will meet these criteria. It is recommended that no highway objection be raised to this application, subject to conditions being attached to any permission granted.

## **GCC Community Infrastructure Team**

*22nd January 2015*

Thank you for the opportunity to comment on the above planning application. This representation affords a formal, technical officer assessment detailing the planning obligations requirements of Gloucestershire County Council (GCC) for the community infrastructure it has a responsibility for.

GCC is a responsible local authority for community infrastructure matters. The representation considers the impact upon, and necessary mitigation, for the provision of pre-school / early years, education and library services.

The assessment has applied established requirements and standards advised elsewhere across Gloucestershire and that which have been supported by GCC through its adopted Gloucestershire Local Developer Guide. The following details set out a thematic review of the county council's community infrastructure requirements: -

### GENERAL

Assessments of GCC requirements comply with CIL Regulations 2010 (section 122 and 123) and National Planning Policy Framework March 2012 (paragraphs 203-206). Planning

obligations will be sought where they are necessary to make the development acceptable in planning terms, directly related and are fair and reasonable in relation to scale and location of development proposed.

Contributions are ring-fenced for capital works specified by GCC, held in independent accounts and are not interchangeable.

GCC will account for unspent contributions, expenditure and accrued interest. Unless programmed or otherwise agreed, unused contributions are returnable, with interest, to the developer.

Any legal agreement will usually be between GCC, the landowner and developer. As a consequence the developer must meet GCC's legal, technical and monitoring costs in preparing the agreement(s).

All contributions will be bonded and indexed. Review clauses are provided to account for change in dwelling numbers.

### EDUCATION

GCC is a Children's Services Authority (CSA). The aim of the CSA is to improve the co-ordination of services that affect children and young people such as:-

- i. Education
- ii. Social services – where they relate to children and young people
- iii. Health services – where the CSA acts for organisations such as the NHS.

New residential development gives rise to new pupils. There are direct links between the number of dwellings and number of pupils. GCC has to ensure sufficient accommodation for new pupils if existing schools do not have spare places or there are insufficient or no schools local to the development. There is justification at national, regional, county and local level for requiring contributions to local pre-school, primary and secondary facilities where evidence indicates and justification shows that that this would be reasonable.

Contributions will indexed to the Department for Education (DfE) annual cost multipliers or any replacement thereof deemed relevant by the Council to maintain the proportionate value of contributions and to ensure payment.

When assessing education contributions GCC's criteria for a 'Qualifying Dwelling' is a house without age or health occupancy restrictions and with 2 or more bedrooms i.e. family accommodation. Flats and one bed houses are therefore excluded as they are occupied by lower number of pupils compared to houses. The number of qualifying dwellings for this calculation is set out in Annex 1, using the information from the planning application. This may vary between the outline and full application stage.

Affordable or social housing contributes to local education infrastructure requirements in the same proportion as open market housing.

The County has reviewed and analysed the number of pupils at different development / dwelling types across the county. This shows that 7 pre-school, 25 primary and 15 (11-18 year olds) secondary pupils arise per 100 dwellings.

### Requirements –

The contributions for pre-school education, primary and secondary education are set out in the annex to this letter. Contributions will be used towards capital works to extend, remodel, upgrade and improve the capacity and suitability of the nearest facility(ies) identified. Any contributions will be payable 6 months after commencement of the development.

## COMMUNITY SERVICES – LIBRARIES

Delivery of a properly resourced and adequate library service to meet the needs of the population arising from the scheme is required.

Based on the scale of scheme and the numbers of new inhabitants, there is a requirement to provide an extension to the local service to meet the new demand and maintain the welfare of the new community.

Contributions for statutory libraries are assessed on the basis of the impact of the increased population in relation to stock, equipment and opening hours requirements and the immediate and long term costs arising over a 10 year period.

Operating costs are primarily staffing and premises costs. Guidance for standards of library provision advise a) 216 items to be purchased annually per 1,000 population and b) publicly available personal computers (0.6 PCs per 1,000 population). The cost of provision includes annual running/maintenance costs.

To deliver a library service to the new community to appropriate standards, contributions will be required based on comparable costs of £196 per dwelling (this includes all flats and houses). This will be used towards any of the following:- new computers, stock, furniture, opening hours or capital works.

Requirements – The requirements are set out in the annex to this letter. Any contributions will be payable 6 months after commencement of development.

### **Trees Officer**

*23rd December 2014*

It may be possible to remove the smaller twin stemmed TPO'd birch tree as described on the plans (T4 of the TPO) on the assumption that all other planting is undertaken as described.

Mention is made for the justification for this removal in a letter from Guy Wakefield (Hunter Page) but there is no record of it. Please could this be re-sent.

Magnolia species is recommended within the landscaping plan (drawing no 14.212.103). Previous Trees Officer comment recommended that an alternative species is selected. This is a delicate species which takes a long time to mature and flower. As such it is considered beneficial to plant an alternative more robust, native small-medium size tree species (eg hawthorn, or cherry spp) may appropriate.

"CC" is referenced as a tree on drawing no 14.212.101. I presume that this is *Corylus collurna* tree species - please confirm.

No Tree Protection Plan has been submitted. It would be useful if the location of storage and office huts could also be described on this plan. Similarly any access facilitation pruning plans need to be described here. Such information needs to be submitted and agreed as a part of the application.

No Method Statement has been submitted for demolition/construction close to trees. Such info is necessary to be agreed prior to permission being determined. Proposed access methods to the site between TPO'd plane trees T1+2 and also the adjacent retaining wall needs to be addressed.

Whilst desirable to be kept where possible and appropriate, no other trees on site are protected and as such can be removed.

## **Landscape Architect**

*31st December 2014*

### Landscape Strategy

#### SuDS

The Design and Access Statement states that the proposed SuDS scheme will consist of sub-surface cellular storage and tanked permeable paving to hold back the restricted flow. Consideration should also be given to including soft landscape SuDS elements, such as rain gardens, within the landscape strategy. (See Pre-submission Joint Core Strategy INF3, para 5.3.7 4th bullet point). Soft landscape SuDS have the advantage of providing visual amenity and increasing the availability of food and habitat for wildlife, as well as fulfilling a functional role in managing storm water runoff.

#### Species Selection

In general, the planting palette for front gardens is acceptable, but see detailed notes below. The Tree Section should be consulted regarding the tree species proposed.

#### Maintenance

- Please could responsibility for long-term maintenance of public and semi-public areas be confirmed.
- A long-term maintenance schedule is required

## **Charlton Kings Parish Council**

*29th December 2014*

We commented on the earlier application in July as this proposed development is adjacent to our parish, is large-scale and has an impact on our residents. We have reviewed the latest scheme for 86 dwellings and have the following comments, in the light of which we request that the application goes before the Borough Council Planning Committee.

We have concerns over the potential for increased traffic flow along an already congested Haywards Road and through Ewens Road/Ewans Farm. Heavier use of Haywards Road towards London Road would also cause additional strain on the junction with London Road and we recommend that strong consideration be given to using Section 106 funds to improve this junction, with the aim of providing a light controlled crossing for pedestrians and enhancing the general layout to ensure compliance with the no right turn sign from Cirencester Road into Haywards Road. It may be that most traffic will enter the new development from Hales Road but this is unknown and we consider it likely that some motorists (new residents and visitors) will choose to use Haywards Road.

We know that these concerns are shared by members of our parish living in this area and therefore would like to see steps taken to mitigate the impact of increased traffic flow. We note that this area is already a 20 mph zone and request that an intelligent sign be installed in Haywards Road to reinforce this. In fact more signage in the whole area emphasising the lower limit would be beneficial. At the same time the current traffic calming measures could be reviewed for their effectiveness and consideration given to improving them.

As well as a likely increase in vehicular traffic travelling along Haywards Road, we also have concern over a potential increase in demand for parking spaces along this already crowded and narrow road. Parking provision for residents of the new dwellings appears adequate, but not over generous and there is limited or no areas for visitor parking. It's likely therefore that there will be parking overspill into Haywards Road and Churchill Drive; these roads are already congested and under pressure from residents' on-street parking.

On a positive note the Council welcomes the increase in affordable homes in the latest scheme (which we note meets 40%, subject to viability testing) and the good mix of apartments, single and multi-bedroom dwellings.

The design and layout of the development sits well with the neighbouring townscape. However while we welcome the addition of housing in this part of town we have some concern over the loss of business and employment space in this part of town. In summary, although we find the scheme acceptable in general we have significant concerns over the impact of extra traffic movements through our parish and hence request that the application is dealt with in committee in order that due consideration be given to this aspect of the scheme.

### **Architects Panel**

*3rd February 2015*

The panel had previously reviewed a scheme on this site. The scheme was well presented and the revised proposals represent a much more robust approach to the analysis of the site and the surrounding area. This, combined with a reduction in density has resulted in a significantly improved scheme. The balance between consistency and variety has been well handled as well as massing, routes and views through the site. Our only slight concern is the elevations to the apartment blocks which are not as successful as the other units. We understand that there are policy issues with regard to the proposal; however, from a design point of view, we would support this scheme.

### **Crime Prevention Design Advisor**

*16th December 2014*

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to comment on the material considerations of the planning application within the Tim Fry Land Rovers, King Alfred Way, Cheltenham with reference number 14/01125/FUL.

The following points should be considered in order to improve security and reduce the fear of crime:

- In a few places across the site, the junction between two differing fence heights will offer climbing opportunity and reduce the potential security.
- The garden fences for the existing dwellings will need to be maintained, where the new road network is planned these fences need to be repaired or replaced to ensure security.
- The boundary treatment for each dwelling should define a defensible space, prevent desire lines or short cuts, while creating an area of ownership outside of their home.
- Any internal division to create private garden spaces or alleyways providing access should not exceed 1.5m in height; this will provide natural surveillance from the dwellings and a chance to see who's using the path, encourage neighbour interaction and create a friendlier route.
- A gate should be installed in line with the front façade of the dwelling to prevent unwanted access to the rear garden.
- The communal entrance to any apartment block should create security by controlling and restricting access into the building; followed by various security features leading to the lockable apartments. Each apartment should be supplied with separate utility meters stored outside of the building, also provision for a safe mail drop which would not compromise the building security.
- Passive surveillance through the street scene and landscaping can reassure residents and remove any perceived fear of crime. This can be obtained from the pedestrian and vehicular movement, maintaining landscaped areas, offering



sufficient street lighting and providing sufficient fenestration in the high occupancy rooms.

- The garages should allow for the modern vehicle dimensions, if it's too small it will be used for general storage which will increase the risk of burglary.
- The secure garden shed, garage or apartment cycle store should have a lockable door and window, inside a Sold Secure cycle rack or ground anchor should be installed.

### Crime and Disorder Act

Gloucestershire Constabulary would like to remind the planning committee of their obligations under the Crime and Disorder Act 1998, Section 17 and their Duty to consider crime and disorder implications

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

### Secured by Design

Secured by Design focuses on crime prevention of homes and commercial premises; promoting the use of security standards for a wide range of applications and products. The design principles can reduce crime by 60%; create a positive community interaction; work to reduce the opportunities exploited by potential offenders; remove the various elements that contribute and encourage situational crime; and ensure the long term management and maintenance of communal areas.

### Conclusion

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact me should you have any queries or wish to discuss these issues further.

### Planning Policy

Cheltenham Borough Council's Local Plan which contains Policy CP 4:

Development will be permitted only where it would:

- (c) make adequate provision for security and the prevention of crime and disorder; and
- (b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety.

Security and personal safety are matters that are generally taken for granted, but crime and the fear of crime has a significant impact on the way we live.

Careful design of the built environment can reduce opportunities for crime and improve feelings of safety. Cheltenham Supplementary Planning Guidance Security and Crime prevention

Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Paragraph 58, National Planning Policy Framework, DCLG 2012

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1. Letters have been sent to local residents on receipt of the original application and following the submission of revised plans. Site notices have also been displayed around the site again both at the time of the original submission and following the submission of revised plans.

**5.2.** In total 31 comments have been received, of which 25 are in objection, 1 are in support and 5 provide general comment. The issues raised in the comments received are summarised as follows:

- Overdevelopment of the site
- Traffic generation/congestion and highway safety
- Lack of parking in the area
- Loss of the employment provision
- Design of the proposed development
- Additional pressure on existing services, such as schools and GP surgeries
- Impact of construction work on residents
- Drainage/sewage
- Impact on wildlife
- Impact on the amenity and overlooking due to the proximity of the development to existing properties

## **6. OFFICER COMMENTS**

### **6.1. Determining Issues**

**6.1.1.** The key considerations in the assessment of this application are the principle of developing the site (with specific reference to the provisions of the National Planning Policy Framework (NPPF) and consideration of policy EM2 of the Local Plan), the design and layout of the proposal, the potential impact on neighbouring amenity and highway considerations.

### **6.2. Principle of Development**

**6.2.1.** The NPPF sets the weight to be attached to existing Local Plan policies. Annex 1 'Implementation' of the NPPF sets out at paragraphs 214 and 215 that for Local Plans which have not been adopted in accordance with the Planning and Compulsory Act 2004, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The Cheltenham Local Plan was adopted in accordance with pre-2004 legislation and therefore only policies which comply with the NPPF carry weight, and where the Local Plan is not in accordance or is silent then the NPPF is the lead document in making planning decisions.

**6.2.2.** Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to date if the local authority cannot demonstrate a 5 year supply of deliverable housing sites. To note that, the recently published Cheltenham Borough Council's Annual Monitoring Report sets out that the Council can demonstrate a 5.2 year supply. Also that with a buffer of plus 5%, as set by the NPPF, a 5.0 year supply can be demonstrated.

**6.2.3.** Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is a golden thread running through both plan making and decision taking. For decision making this means (unless material considerations indicate otherwise) approving development proposals that accord with the development plan without delay. The second bullet point says that where the development plan is absent, silent or relevant policies are out of date then the presumption in favour of sustainable development means that permission should be granted unless any adverse impacts of so doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole or specific NPPF policies indicate development should be restricted.

**6.2.4.** The site is located within the built up area of Cheltenham in a sustainable location. In pure terms, the principle of considering a residential use in this location may be acceptable in

isolation however a major consideration for this application is the loss of part of an established employment site and therefore consideration must also be given to NPPF guidance and policy EM2 requirements on this matter.

**6.2.5.** The NPPF at paragraph 19 aims to ensure that significant weight is placed on the need to support economic growth through the planning system. Policy EM2 of the local plan states that a change of use of land or buildings in existing employment use (i.e. use classes B1, B2 or B8) will not be permitted unless the retention of the site for employment purposes has been fully explored without success or the application will facilitate the relocation of the business to a more suitable location. Notes 1, 2 and 3 provide further clarification on these points as set out in the Policy Officer comments. The Policy Officer offers comments with regard to paragraph 214 and 215 of the NPPF, *'it is considered that policy EM2 is in general conformity with the NPPF policy on building a strong competitive economy. It is not a policy for the supply of housing and is intended to protect delivery of the Borough's employment needs, which is part of the 'economic role', the first of the three dimensions of sustainability required by paragraph 7 of the NPPF.'*

**6.2.6.** The Borough's Employment Land Review (2007) includes an assessment of the Battledown site ranking its value as Good Quality, although does identify some issues at the site which are reviewed in more detail in the Policy Officer's comments. Policy SD2 of the Joint Core Strategy pre submission also seeks to protect existing employment sites.

**6.2.7.** The application sets out that due to the condition and location of the site, Tim Fry Land Rover are seeking to relocate to one of three existing employment units which are available within the Borough which are more suited to their needs. To facilitate this move they are seeking to sell the current site for residential redevelopment of 86 dwellings. The application sets out that the cost to refurbish the existing buildings at the site to bring them to modern standards would not be financially viable based on the rents which could be collected after the refurbishment. The application also includes a marketing report for the units proposed to be lost which ran during the second half of last year, June to December 2014. This report sets out that although there has been interest in the site no firm offers had been forthcoming.

**6.2.8.** The Policy Officer's conclusions are summarised as following:

*'The lack of a demonstration of sufficient ongoing marketing of the principal units included in this application fails to demonstrate that the retention of the site for employment uses has been fully explored.*

*This lack of robust evidence of the site's unsuitability for its current use (perhaps by a smaller or start-up company in the B class uses) reinforced by the examples of fairly recent uptake of some of its units, the lack of marketing evidence and because the Cheltenham ELR rates the industrial estates' buildings as "average quality" in Cheltenham, also means that criterion (d) has not been met, because of the requirement in note 3 to "demonstrate why the existing site is unsuitable for the current use".*

*In considering the argument that the proposal represents mixed use development because of the retention of some of the existing industrial units. The proposal fails to meet criterion (g) of policy EM2, namely; the loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites. The loss of such a substantial proportion of the industrial estate and the loss of visibility and awareness of the retained units by prospective customers would clearly be detrimental to the continuing operation of these businesses. The Cheltenham 2007 ELR and local plan demonstrate why there are strong economic reasons such development would be inappropriate. These are that we need to retain current employment floor space even of average quality.*

*The relocation plan outlined erodes our overall employment strategy because there is no clear benefit to the town employment land position through this relocation. The new premises that TFLR wish to relocate to are already in employment use, the changes they suggest for them are improvements, but not such radical improvements as to offset the loss of the current site, given that the new premises are already suitable for use. The approval of the application creates an unacceptable risk of sterilising a working industrial estate and could impact smaller businesses/start-ups from using the units which TFLR have successfully used to grow (and outgrow) while creating a successful business.'*

**6.2.9.** Given the above, it is considered that there is not sufficient evidence or justification provided within the application which would justify the loss of part of this employment site and therefore the application is at odds with Policy EM2, the NPPF and the emerging JCS.

### **6.3. Design and layout**

**6.3.1.** Local Plan Policy CP7 (design) states that development will only be permitted where it achieves a high standard of design, adequately reflects principles and complements and respects neighbouring development and character of the locality.

**6.3.2.** The scheme has been significantly revised since its initial submission. The design of the dwellings has been amended along with the layout with the number of units being proposed reduced from 106 to 86. The Council's Urban Design Manager has been involved in the consideration of this application and the changes in layout and external appearance have come about as a result of negotiations.

**6.3.3.** The revised design approach seeks to provide an urban frontage to the existing road frontages. Behind these frontages are a series of smaller scale mews streets and courtyard spaces. Two and a half storey detached villas and town houses are proposed on King Alfred Way and Athelney Way designed to replicate the distinctive form and appearance of existing properties on Sydenham Road North and South on the opposite side of Hayles Road. The units are set back from the road in order to retain TPO trees. At the junction with King Alfred Way and Haywards Road is one of three apartment blocks proposed. It is three storeys high with a render finish with the upper floor being set back and finished in zinc cladding, which will help to break up the mass of the building. The other apartment blocks are to be located on the northern part of the site. These are a mixture of two and three storey buildings to be finished in red brick; the three storey element is located on the corner with the upper floor finished in zinc, again to help reduce the mass of the building. The courtyard buildings are to be two storeys finished in red brick.

**6.3.4.** The revisions provide for a much more successful scheme. The Urban Design Manager has commented *that the reduction in numbers and a more thoughtful approach to context, layout, landscape, parking, built form, massing has addressed the majority of concerns raised to the previous scheme. Much of the proposal works well and even close to the retained employment.*

**6.3.5.** The positioning of units 22 and 23 and the car parking courtyard created to serve units 16 to 30, which would be adjacent to a retained employment building, do remain a concern in terms of the quality of the space created and may provide an unpleasant living area. Based on the high quality proposed for the remainder of the site, upon which the market would ultimately judge the success of these units, it is not considered this concern would provide for a refusal reason on policy CP7 grounds.

**6.3.6.** To note that, following submission of revised plans the Civic Society has not reviewed the application, however the Architects Panel has provided comments in full support of the application.

**6.3.7.** Overall the scheme does provide for a high standard of design, adequately reflects principles and complements and respects neighbouring development and character of the

locality. Moreover, the scheme would improve the appearance of the locality; however this benefit needs to be considered in the context of the loss of the employment land as set out above.

**6.3.8.** The Crime Prevention Design Advisor has provided comments on the layout which are noted. Should the application have been recommended for permission these suggestions could have been picked up by way of conditions.

#### **6.4. Impact on neighbouring property**

**6.4.1.** Local Plan Policy CP4 advises that development will only be permitted where it does not cause unacceptable harm to the amenity of adjoining land users and the locality.

**6.4.2.** Local residents have expressed concern regarding overdevelopment of the site and the impact the proposal will have on their existing amenity.

**6.4.3.** The parts of the site which share a boundary with existing residential properties are to the west and south. On these boundaries only two storey units are proposed. To the west the elevation distance between the rears of the existing properties to the rear elevation of the proposed dwellings is over 30 metres, with the distance to the boundary being 11 metres, therefore in compliance with guidance.

**6.4.4.** The southern boundary has a much closer relationship. Regard should be given to the existing relationship between the employment buildings and uses at this boundary with existing properties on Coltham Fields, Rosehill Terrace and Coltham Close. These properties are made up of a row of single storey and two storey detached and terrace dwellings which have small amenity spaces. In places the existing industrial buildings are less than 1 metre away from 5-8 Coltham Fields, with Rosehill Terrace having an average distance of 7.3 metres from the boundary to industrial buildings. The existing industrial buildings range from two to three storeys in height.

**6.4.5.** The proposed development along the southern boundary would provide two storey units, which would be located closer to the boundary than established distances set out in guidance. The proposed layout however, seeks to minimise the impact of the proposed dwellings. The majority of units adjacent to the boundary will be side gable elevations which therefore reduces the need to have windows in the elevations facing the existing dwellings. Any windows proposed here could be obscure glass and secured through conditions. This approach also reduces impact by providing significant gaps between the proposed built form. Two plots are proposed to have rear elevations to rear elevations with existing properties (units 51 and 52). These units will be in close proximity to the boundary, however will be located further back from the position of existing industrial buildings at this point. This would provide for a better relationship than currently exists. Again, any rear windows in the rear elevation could be conditioned to be obscure glass or repositioned in the side elevations.

**6.4.6.** The question of traffic generation and the amount of parking has also been raised. However, it will be noted that the Highway Officer is happy with the scheme, traffic generation is calculated as being lower than that of an industrial unit with two car parking spaces being provided per unit being sufficient.

**6.4.7.** Subject to conditions Officers are satisfied that the proposed development will not compromise amenity and it is therefore in accordance with the provisions of local plan policy CP4.

#### **6.5. Access and highway issues**

**6.5.1.** The comments provided by the County Council in relation to highway matters are set out above and conclude that the scheme is acceptable, subject to conditions. It is stated that the

impact of the development on the local highway network must be considered against the extant use of the site. Based on this it is concluded that the residential use of the site for 86 dwellings will facilitate a reduction in vehicular trips when compared with the existing use at the site.

## **6.6. Other considerations**

- 6.6.1.** Members will note that both the Council's Tree Officer and Landscape Officer have raised points with regard to trees and landscaping. It is considered that these matters could have been covered by way of conditions
- 6.6.2.** The revised application proposes to provide 40% of the 86 units proposed as affordable housing which complies with the requirements of Policy HS4. To note, no viability information has been submitted to demonstrate that the site can deliver 40%. This does seem somewhat odd in that the original submission proposed 106 units with an affordable provision of 15%. The original submission stated that 15% was based on abnormal costs associated to the redevelopment of the site and those associated with the relocation of the business; no viability information was submitted to justify this position. It is therefore unclear how the reduction in residential numbers at the site will allow for an increase of 15% to 40% affordable. Furthermore, no viability information or evidence has been submitted to clarify this position. The application is being recommended for refusal on principle grounds and therefore a s106 has not been agreed or signed on this matter. Subsequently, a refusal reason is required on this matter.
- 6.6.3.** Gloucestershire County Council has confirmed that the proposed development would trigger contributions to be paid towards pre-school, primary and secondary school education, libraries and on highway travel plan requirements. Again, as the application is recommended for refusal no S106 has been agreed to ensure delivery of these contributions and therefore a refusal reason is included.
- 6.6.4.** The application site is located within Flood Zone 1, is not near a water course and is therefore at the lowest category of flood risk. The comments provided by the Land Drainage Officer on the SuDs design could be addressed by way of a condition.
- 6.6.5.** Environmental Health and the Contaminated Land Officer have provided no objection subject to conditions being attached. In considering the impact construction would have on the existing residents, both the Highways Officer and Environmental Health team have requested that a construction method statement would be required if permission was granted, which could be secured by way of a condition.
- 6.6.6.** The application has also included an ecological survey which concludes that no protected species have been identified at the site. Conditions could be attached to ensure that the development is carried out in accordance with the recommendations provided in the ecological survey to protect existing wildlife at the site.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1.** In considering design, layout and amenity considerations it could be argued that the submitted scheme would provide betterment opportunities in terms of the visual improvement to the appearance of the locality and better relationship in terms of amenity with a residential to residential relationship instead of the industrial buildings. However, this is an important established and existing employment site and this improvement is not considered to outweigh the loss of the employment land as set out above, furthermore there is not considered to be a shortfall of housing based on 5 year supply plus 5% NPPF requirement.

7.2. Given the above, the application is recommended for refusal on the grounds that no evidence has been provided to justify the loss of this employment land and therefore the application is at odds with the objectives of the NPPF, Policy EM2 of the Local Plan and Policy SD2 of the emerging Joint Core Strategy.

## 8. REFUSAL REASONS

To follow as an update.

### INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the reason for refusal

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.